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THE COMMITTEE SYSTEM IN STATE LEGISLATURES¹

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Every state legislature in the United States is divided into a considerable number of standing committees. In spite of obvious advantages which seem to render it indispensable, the development of the committee system has been attended by great evils. Indeed, it is perhaps not too much to say that with the committee system the worst evils connected with legislative organization and procedure are intimately associated.

It is the chief purpose of this paper to point out the principal weaknesses or defects of the committee system in connection with state legislatures generally, and particularly the defects which have appeared in the practical operation of the system in the Illinois legislature; and at the same time to discuss certain proposals designed to remedy these defects.

These weaknesses and proposed remedies will be taken up in the following order:

- I. Defects in the methods of making committee assignments.
- II. Defects due to the number of standing committees.
- III. Defects due to the size of committees.
- IV. Defects due to the lack of a definite and fixed schedule of committee meetings.
 - V. Defects due to the lack of publicity and to the irresponsibility surrounding committee proceedings.
- VI. Defects due to the insufficient control of each house over its committees.
- VII. Defects peculiar to the committee on rules and the conference committee.

¹ This article was awarded the first prize of \$250 in the Harris Political Science prize essay contest in 1917, open to undergraduates in the colleges and universities of Illinois, Indiana, Michigan, Iowa, Wisconsin and Minnesota. The writer was then a senior at Northwestern University, and is now in the United States Navy.

Ι

Standing committees in legislative bodies are either appointed by the presiding officer, which is the general rule especially in the lower house, or they are appointed by a committee on appointments.²

According to the ideal method of constituting committees, men are placed upon those committees with whose business they are especially familiar. This ideal, however, has had to give way in practice to two factors. Both in Congress and in state legislatures, committees have become actively partisan. In fact, the committees have been made the safeguards of party policies. It has been all but universally accepted in state legislatures, as well as in Congress, that the speaker's first thought in the construction of committees should be the interests of his party.³ This partisan nature of committees is well illustrated in the committee appointments for the 1917 session of the Illinois senate. There were thirty-three Republicans in the majority party of that house, and thirty-three committees were created, apparently in order to give a chairmanship of a committee to each of these Republicans.⁴

The evil of such a practice arises when, as not infrequently happens, the machine of the dominant party is placed in absolute control of the greater part of legislation. A flagrant example of this occurred during a recent session of the Minnesota legislature when the speaker of the house appointed one of the state's most progressive leaders to the following committees: logs and lumber, manufacturing, public buildings, schools for defectives, and enrollment, to which the total number of bills referred was five; whereas twelve reactionary members, through their control of the conduct of the most important committees, handled 3648

² Among the states where committees are appointed by a committee on appointments are, Nebraska, Montana, Ohio (senate), Illinois (senate), West Virginia, Mississippi, Colorado, Rhode Island, Connecticut, Wisconsin, Virginia, Kansas (senate).

³ See M. P. Follett, The Speaker of the House of Representatives, p. 155.

⁴ Senate Journal, 50th Gen. Assem., 1917, pp. 2, 3.

bills in committee, or an average of more than three hundred bills each.⁵

Furthermore, where committees are appointed by the presiding officer, the election of that officer has had a tremendous bearing upon the naming of the committees. The successful officer must remember the men who supported his candidacy; he must recognize that each of the other candidates of his own party has a following which must not be offended; he must redeem the promises made during his candidacy for office; and he must not ignore the custom which demands that a man once appointed to a committee remain there until appointed to a more desirable post.6 Aside from these influences that are brought to bear upon the speaker in making committee assignments, speakers are frequently guided in their choice by purely personal reasons. In Iowa, for example, it has been charged that committees on the suppression of intemperance have deliberately been made wet, and that committees on suffrage have been made "anti," according to the private opinions or party obligations of the appointing officer.7

Whether the naming of the committees by a committee on appointment is to be preferred to the method of appointment by the presiding officer is a disputed question. Apparently it is a question to be decided by each state according to local conditions. The method of appointment by a committee on committees has a great deal in its favor. Nebraska, for example, has derived the greatest satisfaction from this method, which, it is claimed, tends to secure the important places for the persons best fitted for those positions. Again, this method has done away with the suspicion of trading committee favors in order to secure votes for the position of presiding officer, which was so commonly charged in Nebraska under the former system of appointment by the presiding officer. Furthermore, by making this committee on committees rather large, so that it represents all parts of the state, a representation of all regions has resulted,

⁵ Lynn Haines, The Minnesota Legislature of 1911, p. 29.

⁶ In this connection see Statute Law-Making in Iowa. p. 558.

^{&#}x27; Statute Law-Making in Iowa, p. 559.

and with it a far greater degree of satisfaction. There will probably always be disappointments in committee lists; but in Nebraska under the present system each person knows that his claims are considered by a committee which includes his friends as well as those who may be his opponents.⁸

The recent experience of Pennsylvania also seems indirectly to endorse the appointment of committees by a committee on committees. In the 1913 session of the legislature, and as a result of the reform wave in 1911 and 1912 which placed the progressives in control of the lower house of the legislature, committee appointments were made by a committee on committees. In 1915, however, with the machine elements again in control, the appointive power was restored to the hands of the speaker.

II

The large number of standing committees and the defects incidental thereto constitute a second important weakness of the committee system. Table I shows that too many committees are found in nearly every state legislature. Tables III and IV indicate the rapid manner in which both the number and size of committees have increased in the Illinois legislature, especially since 1870.

This overdevelopment of the committee system together with the excessive membership of committees is a fundamental cause of committee inefficiency. For example, a large number of committees results in conflicting dates for committee meetings, which makes full attendance impossible. These conflicts can only be removed by the establishment of a nonconflicting schedule of committee meetings, but such a reform is out of the question until a reduction in the number of committees is obtained.

Furthermore, a large number of committees requires the individual member to serve on too many. Thus, in the Illinois legislature in 1911, the house of representatives with sixty-six committees required each member to serve on an average on twelve

⁸ From a letter received from A. E. Sheldon, Director of Nebraska Legislative Reference Bureau.

committees. In 1915 this situation was greatly improved by reducing the number of committees to thirty-three—a change which reduced the total number of committee appointments to seven hundred and one, and thus required the average member to serve on five committees instead of twelve.⁹ The senate in the same year reduced its committees from forty-one to twenty-six.¹⁰ In both houses this reduction was followed by great improvement in the handling of proposed legislation. Experienced members testify that they have never seen so much careful consideration given to bills in committee as at that session. There were also fewer committee meetings held without a quorum.¹¹ In 1917 another house committee was omitted, leaving a total of thirty-two.¹²

Even the last number is too large, for experience has proved that when a member tries to participate in the work of as many as five committees, the field is too broad for any careful and detailed survey of the bills relating to many distinct subjects. "All unnecessary committees only contribute more plunder on the ene hand and extra safeguards for the boss on the other." Under present conditions the man who is chairman or interested in the work of one committee can scarcely find or take time to consider other measures. This fact has been recognized in Massachusetts, where a member is not permitted to serve on more than two committees or to be chairman of more than one. A further reduction in the number of committees is also needed in order to permit the proper scheduling of committee meetings, and to concentrate and thus make more efficient the committee work of the individual legislator.

Moreover, too many committees mean a lack of centralization of committee work upon related fields, and this results in a lack

⁹ House Rules, 49th Gen. Assem. of Ill., Sec. on Committees.

¹⁰ Senate Rules, 49th Gen. Assem. of Ill., Sec. on Committees.

¹¹ Illinois Legislative Voters League Assembly Bulletin, July 20, 1916, p. 9.

¹² House Journal, 50th Gen. Assem., Tuesday, Jan. 10, 1917, p. 3.

¹³ Lynn Haines, Searchlight on Congress, Oct. 16, 1916, p. 3.

¹⁴ House Rule 23, p. 81, "List of Members," 1916, compiled for General Court of Massachusetts, by Henry D. Coolidge, Clerk of Senate, and James W. Kimball, Clerk of House.

of efficiency as well as a lack of responsibility. To continue with the example of the Illinois house, there were the following striking examples of diffusion of committee work upon related subjects in the 1917 session. Instead of one committee upon public works, there were two committees, one on roads and bridges and one on waterways. There was a committee on the judiciary and also one on judicial department and practice. Two committees were appointed upon the subject of finance, the appropriation committee and the revenue committee. There was a committee on education, and one to visit educational institutions; a committee on charities and corrections, one to visit penal institutions and one to visit charitable institutions. In the senate there was a committee on agriculture and another on live stock and dairying; a committee on insurance and one on farmers' mutual insurance; also a committee on public utilities and one on railroads.

As a remedy for defects due to number and size of committees, the following reorganization is proposed: that both houses adopt a system of fifteen joint standing committees, five of them to be important and ten of them to be minor committees; and that legislators be limited to membership on not more than one of the important committees and not more than two of the minor committees.

The five important committees should include those on (1) agriculture, (2) finance, (3) judiciary, (4) industrial affairs and manufacturing, (5) public utilities and municipalities.

The ten minor committees should include committees on (1) miscellaneous matters, (2) public efficiency and civil service reform, (3) elections, (4) enrolled and engrossed bills, (5) education, (6) rules, (7) rights of minority, (8) public welfare, hygiene and sanitation, (9) public works, (10) banking and insurance.

The adoption of some such plan of reorganization will eliminate the evils discussed above. It will make possible the formation of a definite nonconflicting schedule of committee meetings; it will limit and thus make more efficient the work of the individual legislator; it will centralize the work of the committees, and thus make more impracticable, if not impossible, the packing of important committees and the sidetracking of the independent members by the speaker.

Furthermore, the proposed plan will make possible the adoption of a system of joint committee hearings, thus doing away with the present lack of coördination and coöperation between the committees of the two houses.

The chief advantages claimed for the joint committee system may be briefly summarized as follows: a large amount of time is saved because a single committee hearing is substituted for separate hearings in each house; the tendency toward a mutual shifting of responsibility between the houses is lessened; a strong educative influence upon the newer members results from association with the older members of both houses; there is a marked increase of efficiency, due to the intimate contact of men of both houses and of varied experience; there is made possible a closer scrutiny and a more intensive study and investigation of legislative problems; finally, and perhaps most important, the influence of the committee members from the upper house acts as a check upon the dominance of the speaker upon the committees of the lower house.¹⁵

The chief argument against the use of the joint system of standing committees is that it neutralizes the effect of the bicameral legislative system. This, however, need not follow, for the final action of the two branches could continue to be independent even though the hearings were held jointly.¹⁶

III

Closely related to the defects traceable to the number of committees is the third class of defects, namely, those connected with the size of committees. It is noticeable that in two of the states most noted for machine-controlled legislation—Illinois and Pennsylvania—the largest committees exist. The committees of the

¹⁵ See P. S. Reinsch, American Legislatures and Legislative Methods, pp. 173-74.

¹⁶ The joint rules of the Vermont legislature require, for example, that "Committees of like functions of the House and Senate, may for the purpose of facilitating business, meet together as a joint committee for the purpose of public hearings. They may consider in joint conference all measures but shall take action separately, and shall report only to the respective houses." Joint rules of the Senate and House of Representatives, Vermont, 1917, Rule 5.

Pennsylvania house vary from twenty-five to forty members.¹⁷ The one guiding factor in the appointment of committees in the past seems to have been that of patronage, for, as is becoming more and more notorious, committee positions constitute a cheap kind of patronage that helps the political managers to pay their debts.

"The true work of a committee can of course best be done by a small group of men who may gather around a table, and engage in an informal discussion of the business in hand. To make of it another assembly, even though it be considerably smaller than the house itself, is usually to defeat the possibility of efficient action."18 The experience of state legislatures as well as Congress has proved that since a large body can only form an opinion upon a particular matter through the intensive study of a smaller body, it has become customary as well as necessary for the house to pass almost any bill that is recommended by a committee.19 It follows that when this smaller body takes on the form of large committees (the Illinois appropriation committee for example, which in 1917 was made up of forty-three members, or the Illinois judiciary committee which was made up at the 1917 session of forty-five members), legislation of such a body is really determined by subcommittees.20 This serves as a ready means for the shifting of responsibility by the members.

Objection is not here made to the appointment of subcommittees. In fact, the reorganization herein proposed provides for the appointment of subcommittees. For example, it has been proposed that the present Illinois committee on roads and bridges and the one on waterways be combined for the purpose of the centralization of work and responsibility into one committee on public works. It is a necessary part of such a plan that there be a division of work among permanent and responsible subcommittees. The objection that is raised is that

¹⁷ House Rules, Pennsylvania, 1915, Sec. on Committees. Smull's Legislative Handbook, 1915, p. 1176.

¹⁸ P. S. Reinsch, American Legislatures and Legislative Methods, p. 164.

¹⁹ Alexander Fleischer, "Pennsylvania's Appropriations to Privately Managed Charitable Institutions," in *Political Science Quarterly*, XXX, p. 28 (1915).

²⁰ P. S. Reinsch, American Legislatures and Legislative Methods, p. 165.

the original purpose for which the committee system was established is defeated when the committee is made so unwieldy that it cannot efficiently check the work of its subcommittees. Even though there should prove to be no attempt on the part of legislators to shift the responsibility for legislation upon subcommittees, it is improbable that all of the forty-five members of the Illinois judiciary committee could have carefully considered all of the bills that were referred to them. The large committee means, therefore, the probability of rule by the inner few. The proposed reduction in the number of committees to fifteen, and the accompanying requirement that each member be limited to membership upon but one of the five important committees and not more than two of the ten minor ones, will abolish the large com-Doing away with the large committee will make for mittee. greater responsibility, because the uncontrolled subcommittee with its underhanded methods and the probability of control by a minority will also disappear.

IV

The absence in most states of a definite and fixed schedule of committee meetings and hearings may be set down as another and serious defect of the committee system. Such a schedule should be made at the opening of each session under the direction of some responsible head, preferably the speaker, as is the case in California.²¹ Under such a system each committee would be assigned definite days and hours of meeting. In fitting the members to this schedule without conflicts the committees could be divided into groups. No legislator should be allowed membership upon a committee of any two classes that would conflict in their hours of meeting. Under such a plan no member could excuse his absence from a committee meeting on the ground that he was attending some other meeting. We shall never impose upon our legislative committees full responsibility until each committee meeting is called as a part of such a nonconflicting sched-

²¹ California Assembly Daily Journal, Friday, Jan. 12, 1917. Announcement by speaker suggesting tentative schedule of committee meetings, p. 17.

ule. In states where committees do not meet according to such a schedule, it is not unusual to have two or three important committee meetings called at the same time. In many instances committees meet and then adjourn for want of a quorum. In this way many days' time is lost. Again, bills are frequently passed out of committees on a bare quorum of the committee members. Furthermore, in all state legislatures where committees are not required to hold scheduled meetings, bills have not infrequently been reported out without holding a meeting at all.²² Finally, the frequent occurrence of conflicts has made it a common practice in some states, notably New York, for members to vote by proxy.²³ Under such a practice great temptation as well as undue power is placed in the hands of the chairman who usually votes the proxies.

California began to experiment with a schedule for committee meetings in 1913, and with such good results that for the 1917 session the committees of both houses of the legislature of the state met according to a schedule that not only removed all conflicts in both houses, but also enabled a member in one house with a bill before the other, and other persons interested in bills before either house, to know the exact time and place at which a hearing might be had before the committee in charge. The Nebraska senate in 1917 expressed its approval of this plan by requiring that a "schedule of committee meetings shall be printed and so arranged as to secure full attendance at committee meetings without conflicts." A form of such a schedule, adapted to the proposed reduction to fifteen committees, is suggested in Table II.26

With these examples before us it is evident that the schedule for committee meetings is no longer an experiment. The advantages of such a schedule are obvious.

²² Legislative Voters League of Illinois, Compilations (unpublished).

²³ Legislative News, Jan. 11, 1915, Bulletin 14, p. 4. (Published by Voters Legislative Association, Albany, N. Y.)

²⁴ California Legislative Assembly Journal, Friday, Jan. 12, 1917, pp. 17-18.

²⁵ Nebraska *Legislative Manual*, 1917, p. 40, Senate Rule XXIII (2).

²⁶ See p. 631.

 \mathbf{v}

The fifth class of evils to be considered are those that are due to the lack of publicity and to the irresponsibility surrounding committee meetings. Experience in state legislatures, as well as in Congress, has proved that where there is secrecy in legislative procedure we cannot have efficiency and responsibility in legislation. The great lack of responsibility that has accompanied statute lawmaking in the United States indicates that neither the state legislatures in general nor Congress have ever given attention to the publicity that should surround committee procedure. In fact, there is a general and, perhaps, well-founded impression that, with the possible exception of the Massachusetts legislature, the potential influence of public meetings and hearings in bringing to bear upon legislative action the opinions and desires of the people has never been realized in our state legislatures.

Some of the more progressive state legislatures are beginning to invite publicity in their committee meetings. Some states definitely require that all committee meetings be made public.²⁷ This should be made a part of the rules of all state legislatures. Even where public meetings are required by rule, some further provision should be made for announcing these meetings, for it is of little avail to require that all meetings be made public if no further efforts are made to inform the public of the meetings and of the subjects that are to be considered.

The rules of the Nebraska senate of 1917 require that "the chairman of each committee shall give notice in writing to the secretary of the senate at least twenty-four hours in advance of the place and hour of meeting and the bills that are to be considered, to the end that all persons interested may appear and request a hearing."²⁸ The New York assembly has a similar rule, whereby a notice of committee meetings goes from the clerk of the committee to the clerk of the assembly, upon whom is im-

²⁷ Among these states are Massachusetts, New York, New Jersey, Nebraska, Illinois (house), Ohio, Vermont, and Wisconsin.

²⁸ Nebraska Senate Manual, 1917, p. 39, Senate Rule XXIII (1).

posed the duty of seeing that this notice is recorded in a book open to the public at "all reasonable hours."²⁹ These requirements are great improvements upon the methods of announcing committee meetings upon insufficient notice that formerly existed in Nebraska and New York, and that exist in other states today.

In conjunction with a schedule for committee meetings more pronounced results would obtain if committees were required to keep public calendars. Many important bills which are to come before a legislature are ready and waiting to be made a part of such a calendar at the opening of the session when bills are assigned to committees, and when committees should receive their schedule of meetings. It is, therefore, not unreasonable that committees should be required to make out early in the session a calendar of the hearings to be held upon these bills. tion to this original calendar, a supplementary weekly calendar should be made out as the session progresses in order to assign hearings for all bills subsequently introduced. Such a rule is found in the Wisconsin assembly, where it is provided that the "chairman of each standing committee shall on or before Thursday of each week file with the clerk his daily calendars for the following week. Such a calendar shall be printed in full in the weekly bulletin of hearings."30 Wisconsin has not adopted a schedule of committee meetings; but this rule of the assembly is a step in the right direction. When the advertised public committee meeting becomes established in all states it will do much toward the promotion of responsible legislation.

As a further remedy for the present lack of publicity and for the irresponsibility surrounding committee meetings, committees should be required to keep permanent records of all proceedings in committees including the place and time of meeting, the attendance and the vote of each member present upon all measures considered. "Many a man's record on roll call has affected his reëlection, yet the committee work is fully as vital a part of leg-

²⁹ The Clerk's Manual of the State of New York, 1916. Rule of the Assembly, no. 19, p. 84.

³⁰ Wisconsin Assembly Manual, 1913, par. 35, rule 28, p. 55.

islative activity as any, and it would seem that it would be as interesting to a man's constituency to know whether he was faithful in his duty in this respect as well as in others."³¹ No reform will work more for individual responsibility than this one requiring the keeping and preservation of committee records. The primary object of such a rule is to make each member take a stand before the public upon every bill that is submitted to him for consideration. He will then be as careful of his action in the committee room and the committee of the whole as in the regular session.

In 1913 the Illinois house adopted the following rule: "The chairman or acting chairman of each committee shall keep or cause to be kept a record in which there shall be entered:

- (1) The time and place of each hearin and of each meeting of such committee;
- (2) The attendance of each committee member at each meeting;
- (3) The name of each person and address, appearing before the committee, with the name of the person, persons, firm, or corporation and address, in whose behalf such appearance is made;
- (4) The vote of each member upon all motions, bills, resolutions and amendments, acted upon. Such a record shall be read and approved before the expiration of ten days after each meeting, or at the next regular session of the committee."32

This rule should be adopted by the Illinois senate, as well as by other state legislatures, but with the following amendment: that the chairman of each committee be made responsible not only for making such a record, but also for filing it in the office of the secretary of state where it shall be permanently preserved. In 1913 this rule was observed so far as the making of such records was concerned. But, due to a failure to fix the responsibility for preserving these records, they were later thrown away by an office clerk with somewhat doubtful carelessness.³³ In 1915 this rule was carried out in a similarly lax manner.

³¹ Massachusetts Reform Committee, 1915.

³² Illinois House Rules, 1917, Sec. on Committees.

³⁸ Legislative Voters League of Illinois, Compilations (unpublished).

One of the chief obstacles to keeping permanent committee records is the inefficiency of committee clerks. The spoils system has so pervaded the appointment of committee clerks that in some cases the most ordinary stenographical duties could not be performed by them. Again, it has not infrequently happened that a clerk assigned to a committee has never been seen by the chairman of that committee during the entire session. During the 1915 session of the Illinois legislature Senator Cromwell, chairman of the committee on insurance, attempted to call a meeting of his committee but was unable to find his clerk, who had been registered as one George Austin. The senator made unsuccessful inquiries for this clerk during the entire session; and then, it having occurred to him that Austin would have to sign his pay warrant, he put in a request at the recorder's office that Austin come to see him. A second request was later made at the same office and likewise several other requests, but without avail. Yet, the records now show that one "George Austin" drew \$261 for service rendered as a committee clerk.34

Similar practices exist in other states. For example, Governor Clarke in his message to the thirty-sixth general assembly of Iowa severely condemned the practice of hiring extra legislative help as "pure unadulterated graft." He referred to the employment of committee clerks in these words: "Every man of legislative experience knows that many more committee clerks and other clerks are employed than are necessary. Every senator and representative knows of clerks sitting around these chambers in luxuriant ease from one end of the session to the other. Every senator and every representative knows that such a practice should fall under his condemnation." ³⁵

All committee clerks should be appointed under civil service rules. In spite of the obvious advantage of such a plan, Wisconsin is the only state legislature which requires the committee clerks to be appointed in this way.³⁶ Iowa requires that all

³⁴ Fayette S. Munro, Legislative Spendthrifts, pp. 22-23.

³⁵ Statute Law-Making in Iowa, pp. 588-589.

²⁶ Wisconsin Senate Manual, 1913, p. 78. Wisconsin allows to no employee compensation for any time except that for which he is actually in attendance, except when absent with leave in writing from his superior officer.

committee clerks be stenographers, but they are not appointed under civil service rules. In Illinois a bill to require committee clerks to be stenographers was allowed to fail. An investigation and reorganization of the entire committee clerk system should be undertaken with a view to eliminating the abuse of committee patronage by abolishing all unnecessary clerkships and by permitting salaries to be paid only for services rendered.

 $\mathbf{v}\mathbf{I}$

A sixth class of evils comprises those due to insufficient control of each house over its committees. In every state there has developed the practice of "pigeon-holing" bills by committees. In Illinois in 1911 more than one-third of the bills referred to committees were not heard of again, and a vigorous fight was carried on against this smothering of bills in committee. The result was the adoption in the house of a recall rule which gives the privilege to a majority of the house to recall a bill from a committee. The result was several states have rules similar to this. In attempting, however, to discharge a committee under a recall rule, the merits of the bill frequently become involved with extraneous considerations, such as "The committee and its chairman must be sustained." The committee and its chairman must be sustained.

Certain state legislatures where machine methods prevail, notably Pennsylvania, have a "graveyard" committee. Such a committee is composed of carefully chosen members who can be relied upon effectually to bury any undesirable measure referred to them. A committee of this type always bears a perfectly

³⁷ Illinois Legislative Voters League, Compilations (unpublished); Illinois House Rules, 1911–12.

^{**} These states are Alabama, Colorado, Idaho, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, Ohio, Pennsylvania and Tennessee. North Carolina requires that all bills reported unfavorably shall lie upon the table, but may be taken from the table and placed upon the calendar at the request of any senator.

²⁹ Legislative News, Jan. 10, 1917, Bulletin 26, p. 1. (Published by the Voters Legislative Association, Albany, N. Y.)

innocent name. In the Pennsylvania senate, for example, it is the "Judiciary Special" committee, known in popular parlance as the "Pickling Vat." This committee, the most active and at the same time the most reliable when pigeon-holing and death are demanded by the political powers, never meets. It is controlled by one man, the chairman, acting with the politicians directing the senate chamber. No complaint is ever heard from the other members of the committee, for they are all chosen from among the "regulars" of the machine. In the 1913 session of the Pennsylvania legislature 137 bills that had passed the house were smothered in the "graveyard" committee of the senate.⁴⁰

The true functions of a committee are purely advisory, and therefore no committee ought to have the power to say what bills the house may or may not consider. Unworthy bills should be killed, but they should be killed by the house itself. Committees should be required to report all bills to the house within a limited time from the date of reference. It should also be provided that any bill remaining in committee beyond the allotted time, unless an extension has been granted by the house, shall automatically take its place upon the general files of the house for consideration.

The question of how much time should be granted to a committee for the consideration of a bill is a problem to be worked out by the individual state according to its peculiar needs and conditions. In all states where such a limitation is not in force today the end of each session sees a great congestion in which an often corrupt sifting committee reigns supreme and in which bills are passed without adequate consideration. This congestion is due mainly to the following causes: the lax and inefficient way that bills are disposed of in committees; the corrupt practices of special interests in purposely holding up bills in committees until the late days of the session, when under the cover of great confusion and irresponsibility their unworthy bills may

⁴⁰ Philadelphia Public Ledger, Jan. 11, 1915.

stand a better chance of passing; finally, by the actual pocketing of bills by committee chairmen until the late days of the session.

As a favorite expedient for handling this rush of business the practice has become common in many states of creating a sifting committee.41 Theoretically it is the duty of this committee to consider all bills that are reported by committees and select the more important measures for action by the house. But this committee is usually controlled by the presiding officers of the two houses, for its members are chosen by them and usually selected as men who will carry out the wishes of the leaders. In actual practice it acts merely to favor those bills that are either demanded by the house or that receive the approving nod of the speaker. Thus it was charged that in the Iowa legislature in 1909 the speaker and his sifting committee in the house enabled a wet minority in that body to block all action on the part of a dry majority of the whole legislature. The work of the sifting committee is not only that of killing bills, for in some states, among which is Iowa, the journals of the houses of the general assembly show that the sifting committees have actually initiated bills.42

The proposed limitation upon the time allowed for bills to remain in committee will have at least four advantages: (1) It will put an end to the closing period of congestion and the ensuing irresponsibility upon the floor of the house, because the excess number of bills that at present create the congestion at the close of a session will be reported out of committee earlier and may thus be disposed of by the house before the end of the session is at hand; (2) it will require committees to adopt a businesslike

⁴¹ Sifting or steering committees are appointed by the presiding officers in the following states to take charge of pending bills: Idaho, Iowa, Kansas, Missouri, Nebraska, Minnesota, New Mexico (house), North Carolina, North Dakota, Montana, Ohio, Oklahoma, South Dakota, Utah, Wyoming and probably in other states. In Alabama, Illinois, Oregon and Washington the rules committee acts as a sifting committee. Such a committee is chosen by caucus in Indiana. The committee on committees on the senate of New Mexico appoints a sifting committee.

⁴² Statute Law-Making in Iowa, pp. 546, 558.

procedure that will bring about a more efficient handling of bills in committee; (3) it will force the unworthy bill to run the same gauntlet of publicity that is required of other bills; and (4) it will tend to do away with the necessity of a sifting committee and its arbitrary control.

The chief objections to the requirement that committees shall report back all bills to the house are that such a rule will clog the calendars; will lead to prolonged discussions and tend to lengthen the session; and will increase the need for and the influence of a sifting committee to advance the important measures which may not be reported until late in the session. At the present time, however, in all states a large majority of all bills referred to committees are reported, while the rules in twenty-eight states either require that committees report back on all bills or else require a report upon the vote of a majority of the house.⁴³

VII

We may now consider the evils which are peculiar to the rules and the conference committees. The work of these committees has played such a great part in our statute lawmaking that they are worthy of special attention.

In Illinois, until the twenty-seventh general assembly (1871), it had been the practice for the speaker to appoint a select committee on rules. It was the duty of this committee to examine the rules of the preceding session, recommend such amendments as were deemed necessary and submit their report back to the house. Upon the adoption of this report the committee went out of existence. In 1871, however, a new rule appeared which provided for a standing committee on rules, to consist of the speaker of the house acting as chairman, and six other members. With a

⁴³ The following fifteen states require committees to report back all bills within a stated time which varies with each state: Arkansas, California, Connecticut, Florida, Kansas, Massachusetts, Minnesota, Nebraska, New York (assembly), Nevada, Oklahoma, Oregon, Vermont, Wisconsin, Wyoming. For the remaining thirteen states that require a report upon the vote of a majority, see footnote 38.

slight variation in membership this committee has remained and is today made up of the "speaker and ten members."

Much the same development has marked the history of this committee in the state legislature as in Congress. Immediately upon being established as a standing committee, new rules followed which tended to give it the place of highest privilege. Perhaps the session of 1911 marks the climax of the development of the rules committee in Illinois. In that year the following rule appeared:

"No rule shall be dispensed with unless by the concurrence of two-thirds of the members present, nor shall any rule be rescinded or changed without one day's notice being given of the motion thereof; but a new rule, not in conflict with existing rules, may be added, after such notice, by a two-thirds vote by the members, except when such new rule is reported by the committee on rules, and in that case such new rule may be adopted by a majority vote." 45

⁴¹ House Journal, 27th Gen. Assem., 1871, Sec. on Rules; Tuesday, Jan. 16, 1917, p. 3. For the variation of the membership of this committee, see committee No. 59, Table III. Reference to committee No. 71 on Table IV will show that the standing committee on rules did not originate in the Senate until the 34th Gen. Assem. in 1885.

It is interesting to note the relation in the development of the Illinois rules committee to that of the United States house of representatives. Up to 1860 the rules in Congress were enlarged mainly by amendments presented by individual representatives and required to lie upon the table for one day. Select committees were resorted to from time to time, but were usually confronted with the difficulty of getting the house to consider their report. A standing committee on rules was created in 1849 but lasted for only two Congresses. In 1858, a motion was made and adopted which created a select committee on rules to consist of four members together with the speaker. The presiding officer had never before served as a committee member nor has he on any occasion since belonged to any other committee. In the rules of 1880, the select committee of five was changed into a standing committee. Once organized as a standing committee, rulings followed which tended to give it a place of high privilege. Although in 1871 the congressonal committee on rules was still operating as a select committee, it is quite possible that the increasing importance of this committee in that decade may have influenced the leaders of the Illinois house that year when they formed their first standing committee, to be composed of the speaker as chairman and six other members.

⁴⁵ House Rules, 47th Gen. Assem., 1911, Rule 59.

At first sight this rule may appear to insure majority control; but in actual practice the house was entirely in the control of a minority that stood behind the speaker. In the first place the rules were brought in and adopted early in the session when only the rules committee understood what the house was really voting upon. After the rules had been adopted, however, the lawmakers soon found themselves hopelessly under the control of the rules committee, with only such privileges as the rules thus adopted chanced to grant.

In preventing changes in the rules, the power of the rules committee was almost absolute, for all proposed changes were referred immediately to it for approval and any unpopular proposals were smothered at the outset. It is true that in this year (1911) a recall rule was established in the house which enabled a majority to discharge any committee from consideration of a bill; but whenever under such procedure a proposed change in the rules did come before the house for consideration, then the two-thirds vote of the members present was required to pass the measure over the heads of the rules committee. Inasmuch as the speaker was in almost absolute control of a third of the house, the inevitable death of the measure had been merely delayed and not prevented.

Again, if the rules committee desired to pigeon-hole a bill upon the calendar, it needed only to engage the house with other special orders. If a proposition to which it was hostile appeared upon the floor of the house, the rules committee could bring in a rule to substitute some other measure for consideration. These motions were, of course, subject to adoption by a majority of the house, but again, the influence of the speaker practically insured their adoption.

On the other hand, observe the positive powers of the rules committee. The pettiest claim by way of a private bill might find, through its favor, precedence over the greatest appropriation bill. Furthermore, as is the case in Congress, it was possible for this committee to prepare a bill in the speaker's room and say to the committee to which it would naturally be referred: "Take this or nothing." Again, the membership of the rules

committee was kept small, while the size of the active house committees became large and unwieldy so that they were more easily brought under the control of the speaker through the use of methods that have been discussed.

In view of these facts, it was not without justification that steps were taken to curb the powers of the rules committee. In 1913 the Illinois house committee was deprived of its power of preventing changes in the rules, so that any member supported by a majority of the house may revise, amend, or substitute the rules even after adoption. The senate still operates under the two-thirds rule.

All of the evils of the rules committee in the house, however, have not yet been removed. For, in the closing days of a session with the congestion that has been described above, the rules committee in a number of states⁴⁶ takes on the veto powers of a sifting committee to pick out and favor certain bills at will. Reforms have been discussed in this paper which require and provide for the consideration of all bills. Their adoption will deprive the rules committee of most of its remaining power for evil. After the adoption of this reform the one remaining function of this committee would be that of introducing special orders for important bills demanding immediate consideration.

Under such reforms it is recommended that the rules committee take on the character of a joint central directive committee, the need for which has been given consideration. Most of the faults of the committee system could be relieved by such an institution. Its functions would be largely those of harmonizing the work of the two houses, and thus would tend to prevent conflicting and contradictory legislation without altering greatly the present methods and procedure.

Finally, we may consider the evils that attend the working of the conference committee. This committee is called into use whenever the two houses of the legislature disagree as to the final form in which a bill is to pass. In usual practice, either house makes a request for a conference upon a particular bill, whereupon three members are appointed by the presiding officer

⁴⁶ These states are: Illinois, Alabama, Oregon and Washington.

of each house to meet in conference as a joint committee. According to Professor P. S. Reinsch, the conference committee does not present a very difficult problem, for the great weakness of our legislatures lies rather "in their careless habit of undiscriminating assent to the larger part of the measures presented to them, than in any tendency to obstinate disagreement between rival chambers." Yet, recent experience shows that a lack of regulation of this committee in some states has given rise to another serious evil of the committee system. In fact, it has not infrequently happened that where a conference committee has taken charge of a bill it has entirely nullified all rules for responsible legislation.

Examination of the procedure in the Minnesota legislature has disclosed that a conference committee, not infrequently "packed" according to the sole desire of the speaker, is called into use upon many of the most important measures. 48 Without regard to the limits of their authorized control over a bill, these committees assume absolute power of revision over the entire bill. nois also this arbitrary practice has been especially noticeable in connection with the "Omnibus" bill, the most complex of the appropriation measures, which provides for the support of the state departments and the various state institutions. Within the conference committee many new paragraphs have been inserted into this bill relating to subjects wholly irrelevant to the points at issue between the two houses.49 This practice has existed in other states, for the average legislature allows this committee a free hand. Bills are not infrequently held in conference committees until the late days of the session when, amid the congestion already referred to, the two houses must either accept the reports of these committees including all revisions and insertions or be held responsible for the defeat of the bills.

⁴⁷ P. S. Reinsch, American Legislatures and Legislative Methods, p. 179. But in the Illinois 49th general assembly eleven of the most important bills went to conference committees. Illinois House Journal, 49th Gen. Assem., 1915, Synopsis of Legislation.

⁴⁸ Lynn Haines, Minnesota Legislature of 1911, p. 54.

⁴⁹ Legislative Voters League, Compilations (unpublished).

As a remedy for these evils the conference committees should be limited in the time in which they are allowed to withhold a bill from the house. They should be permitted to deal only with those points upon which there is a disagreement between the two houses.⁵⁰ They should be required to submit reports of the committee proceedings, and all amendments proposed should be printed before action by the legislature.

The foregoing are believed to be the chief evils which have arisen in the development of the committee system in our state legislatures. The remedies here advocated propose important and essential reconstruction of the entire committee system. It will be noted that each reform is so interwoven with and dependent upon others that nothing short of a general reorganization will satisfy the needs of present legislative procedure for greater efficiency and responsibility.

50 The Pennsylvania house requires that a conference committee shall not have power over any part of a bill except as to which a disagreement has existed between the two houses. Rules of the Penn. House, 1917, Rule 5. Smull's Legislative Handbook, p. 1173. The Wisconsin senate in 1913 expresses its approval of this reform by proposing a joint rule to the effect that the managers of the conference shall confine their report to the differences of the two houses that shall be referred to them. The Wisconsin assembly, however, failed to adopt the recommendation and the regulation of the conference committee in that state remains in the former lax condition.

TABLE I
Legislative committees

Alabama			SENATE			HOUSE	
Arizona	STATE		member-	member-		member-	Minimum member- ship
Arkansas 36 9 5 43 19 7 California 33 17 3 48 21 5 Colorado 29 15 5 40 13 5 Connecticut* 19 5 3 30 7 3 Florida 34 11 5 47 9 7 Georgia 39 30 5 45 34 4 Idaho 23 7 3 38 7 3 Illinois 33 40 3 32 45 5 Indiana 45 13 3 51 13 5 Indiana 45 13 3 51 13 5 Indiana 45 13 3 51 14 6 Kansas 42 13 5 55 23 7 Kentucky 35 9 65 14 6 Louisiana 25 25 4 36 24	Alabama	27	11	3	30	22	5
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Colorado. 29 15 5 40 13 5 Connecticut* Delaware. 19 5 3 30 7 3 Florida. 34 11 5 47 9 7 Georgia. 39 30 5 45 34 4 Idaho. 23 7 3 38 7 3 Illinois. 33 40 3 32 45 5 Indiana. 45 13 3 51 13 5 Indiana. 45 13 3 51 13 5 Indiana. 42 23 6 61 41 6 6 Kansas. 42 13 5 55 23 7 Kentucky. 35 9 65 14 Louisiana. 25 25 4 36 24 4 Maine†. Maryland. 30	Arkansas	36	9	5	43	19	7
Connecticut* 19 5 3 30 7 3 Florida. 34 11 5 47 9 7 Georgia. 39 30 5 45 34 4 Idaho. 23 7 3 38 7 3 Illinois. 33 40 3 32 45 5 Indiana. 45 13 3 51 13 5 Indiana. 45 13 3 51 13 5 Indiana. 42 23 6 61 41 6 Kansas. 42 13 5 55 23 7 Kentucky. 35 9 65 14 6 Louisiana. 25 25 4 36 24 4 Maine†. Maryland. 30 9 4 33 13 4 Maryland. 30 9	California	33	17	3	48	21	5
Connecticut* 19 5 3 30 7 3 Florida. 34 11 5 47 9 7 Georgia. 39 30 5 45 34 4 Idaho. 23 7 3 38 7 3 Illinois. 33 40 3 32 45 5 Indiana. 45 13 3 51 13 5 Indiana. 45 13 3 51 13 5 Indiana. 42 23 6 61 41 6 Kansas. 42 13 5 55 23 7 Kentucky. 35 9 65 14 6 Louisiana. 25 25 4 36 24 4 Maine†. Maryland. 30 9 4 33 13 4 Maryland. 30 9		29	15	5	40	13	5
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	Oregon	33	7	3	60	7	3

^{*} Most legislative committees are joint committees. There are 35 such having, as a rule, 11 members. A few have 4 members each.

[†] Most of the committees are joint.

[‡] There are 29 joint committees in Massachusetts.

[§] Varies with different sessions.

		SENATE			HOUSE	
STATE	Number of committees	Maximum member- ship	Minimum member- ship	Number of committees	Maximum member- ship	Minimum member- ship
Pennsylvania	33	21	5	41	40	25
Rhode Island	13	7	5	14	9	7
South Carolina	31	12	6			
South Dakota	31	15	3	48	15	3
Tennessee	31	20	4	30	20	4
Texas	31	15	3	47	25	5
Utah	23	7	3	43	9	3
Vermont*	29	7	3	30	15	3
Virginia	19	15	3	25	13	3
Washington	50('15)	12	3	58('15)	26	5
West Virginia		11	5	28	15	5
Wisconsin	5	7	5	22	11	3
Wyoming	25	5	5	30	14	5

TABLE I-Continued

TABLE II

Suggested schedule for committee meetings

- Group A. To consist of the five important committees: (1) Agriculture, (2)
 Appropriations, (3) Judiciary, (4) Industrial Affairs and Manufacturing,
 (5) Public Utilities and Municipalities.
 - Time of Meeting: Tuesday, Wednesday and Thursday, from 2-4.* Each legislator to have a place on but one of these five committees.
- Group B. To consist of four minor committees as follows: (1) Public Efficiency and Civil Service Reform, (2) Education, (3) Enrolled and Engrossed Bills, and (4) Miscellaneous.

Time of Meeting: Tuesdays and Thursdays from 4-6.

Group C. To consist of three minor committees as follows: (1) Elections, (2) Rules, and (3) Rights of Minority.

Time of Meeting: Wednesday from 4-6.

Group D. To consist of three minor committees as follows: (1) Public Welfare, Hygiene and Sanitation, (2) Public Works, (3) Banks and Banking.

Time of Meeting: Tuesdays and Thursdays from 4-6.

Each legislator should be limited to places upon but two of these minor committees. Conflicts will be avoided by choosing committees in groups B and C or C and D.

^{*} Has 11 joint committees.

^{*} There are no sessions held in many legislatures from Thursday until the following Tuesday and the greater portion of the legislators go home over the intervening week end.

TABLE III

Table of standing committees of Illinois House of Representatives 1818-1917

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35	7881	47		21		17	17	17			15	7	15
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88. World's Columbian Exposition 89. Judicial Apportionment 90. Committee on the Rights of the Minority. 91. State and Municipal Civil Service Reform. 92. Statutory Revision. 93. Drainage and Waterways. 94. Parks and Boulevards. 95. State and County Fairs. 96. Joint Rules. 97. Chicago Charter. 98. Good Roads. 99. Primary Elections. 100. Fraternal and Mutual Insurance. 101. Municipal Courts of Chicago. 102. Liberal. 103. Liberal. 104. Public Utilities. 105. Public Utilities.	21	1	30 30 35 35 35 35 35 35 35 35 35 35 35 35 35
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TABLE IV

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